

### CITY OF HAYWARD **AGENDA REPORT**

AGENDA DATE 07/17/01 AGENDA ITEM **WORK SESSION ITEM** 

TO:

Mayor and City Council

FROM:

Director of Community and Economic Development

SUBJECT:

Text Change Application 01-140-02 - Initiated by the Planning Director -

Request for an Amendment to the Off-Street Parking Regulations as they Apply

to Residential Parking Requirements in the Central City Sub-Districts

#### **RECOMMENDATION:**

The Planning Commission (7:0) and staff recommend that the City Council introduce the attached ordinance amending the Off-Street Parking Regulations relating to residential parking requirements in the Central Parking District.

#### **DISCUSSION:**

In an effort to promote the development of residential units in the Central City, the Off-Street Parking Regulations state,

> An increase in the number of dwelling units within an existing building or the conversion of a non-residential use to residential within an existing building in the Central Parking District shall not require providing parking spaces.

This section of the Regulations assumes that there would be some shared parking between the residents, who as a rule have a need for evening and night-time parking spaces, and commercial users, who typically depend on parking during business hours. In the past, this section has been applied to a few second story spaces in the downtown core area that were converted to small apartments. While these regulations have been effective in encouraging some residential units in the downtown, their application to very large structures could have an adverse impact on the downtown's economic vitality. Allowing the conversion of large structures to residential purposes without providing parking for the residents could result in a negative impact on economic vitality when residents' vehicles take up spaces typically devoted to those who support the commercial base and other community activities in the downtown.

So as to continue supporting conversion of space to residential units in the downtown core area without compromising the purpose of the Central City District, staff recommends that the Off-Street Parking Regulations be amended to require on-site parking for residential conversions when more than two floors within an existing structure are converted, unless the developer can demonstrate how to otherwise fulfill the parking requirement.

At its meeting of July 12, 2001, the Planning Commission voted unanimously to recommend approval of this amendment by the City Council. The Commission felt that the amendment continues to encourage residential uses in the downtown area while providing a flexible way in which to deal with larger potential conversion projects and protect the integrity of the Downtown. Walter Wang, representing W5-Hayward, owner of the 11-story City Center Building, indicated that residential conversion is one option being explored, and that they were initially concerned about the amendment, but that they are now comfortable with it given the City's ability to deal with them in a flexible manner.

This project is exempt from CEQA in that the proposed amendment has no potential for causing a significant effect on the environment. Public notice of this project was published in *The Daily Review* and mailed to the owners of major downtown buildings.

Prepared by:

Dyana Anderly, AICP

Planning Manager

Recommended by:

Sylvia Ehrenthal

Director of Community and Economic Development

Approved by:

Jesús Armas, City Marlager

Attachments:

Exhibit A - Findings for Approval of Amendment

Exhibit B - Draft Off-Street Parking Regulations Ordinance

7/13/01

### FINDINGS FOR APPROVAL

OF

### AMENDMENT TO OFF-STREET PARKING REGULATIONS TEXT CHANGE NO. 01-140-02

- A. Approval of Text Change Application No. 01-140-02 is exempt from environmental review in accordance with Section 15061(b)(3) of the California Environmental Quality Act Guidelines.
- B. That substantial proof exists that the proposed text change relative to parking requirements for conversions of buildings in the Central City area will promote the public health, safety, convenience, and general welfare of the residents of Hayward by ensuring adequate parking for its residents and avoiding parking conflicts with commercial establishments;
- C. That the proposed text change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans in that parking will be provided for tenants when existing buildings are converted to residential use:
- D. That streets and public facilities existing or proposed are adequate to serve all parking associated with conversion of existing buildings to residential uses in that when more than two floors of an existing building is converted to residential use, the developer must demonstrate that adequate parking will be provided; and
- E. That conversions of buildings to residential uses in the Central City District will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations in that currently large buildings can be converted to residential uses without providing parking for the residents.

### PROPOSED ORDINANCE TEXT CHANGE NO. 01-140-02

# "SEC. 10-2.411 CENTRAL PARKING DISTRICT NON-RESIDENTIAL PARKING REQUIREMENTS"

"1.0 space for each 315 square feet of gross floor area

"An increase in the number of dwelling units within an existing building or the conversion of a non-residential use to residential use within an existing building in the Central Parking District shall not require providing parking spaces. If more than two floors are converted to residential use, the developer must demonstrate how the parking requirement will be fulfilled for the dwelling units on the additional floors.



AN ORDINANCE AMENDING SECTION 10-2.411 OF ARTICLE 2, CHAPTER 10 OF THE HAYWARD MUNICIPAL CODE TO AMEND THE OFF-STREET PARKING REQUIREMENTS IN THE CENTRAL PARKING DISTRICT

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

WHEREAS, Text Change Application No. 01-140-02 requests an amendment to Section 10-2.411 of the Zoning Ordinance of the City of Hayward, specifically to amend the Off-street Parking Regulations relating to residential parking requirements in the Central Parking District; and

WHEREAS, the Planning Commission considered the matter and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars; and

WHEREAS, the City Council finds and determines that:

- 1. The approval of Text Change Application No. 01-140-02 is exempt from environmental review in accordance with Section 15061(b)(3) of the California Environmental Quality Act Guidelines;
- 2. That substantial proof exists that the proposed text change relative to parking requirements for conversions of buildings in the Central City area will promote the public health, safety, convenience and general welfare of the residents of Hayward by ensuring adequate parking for its residents and avoiding parking conflicts with commercial establishments;
- 3. That the proposed text change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans in that a parking will be provided for tenants when existing buildings are converted to residential use;
- 4. That streets and public facilities existing or proposed are adequate to serve all parking associated with conversion of existing buildings to residential uses in that when more that two floors of an existing building is converted to residential use, the developer must demonstrate that adequate parking will be provided; and
- 5. That conversions of buildings to residential uses in the Central City District will be compatible with present and potential future uses, and, further, a beneficial

effect will be achieved which is not obtainable under existing regulations in that currently large buildings can be converted to residential uses without providing parking for the residents.

Section 1. Section 10-2.411 of the Hayward Municipal Code relating to Off-Street Parking Regulations as they apply to residential parking in the Central City Sub-Districts is hereby amended to read as follows:

## <u>"SEC. 10-.411 CENTRAL PARKING DISTRICT NON-RESIDENTIAL PARKING REQUIREMENTS</u>

"1.0 space for each 315 square feet of gross floor area

"An increase in the number of dwelling units within and existing building or the conversion of a non-residential use to residential use within an existing building in the Central Parking District shall not require providing parking spaces. If more than two floors are converted to residential use, the developer must demonstrate how the parking requirement will be fulfilled for the dwelling units on the additional floors.

<u>Section 2</u>. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective upon its adoption.

INTRODUCED at a regular meeting of the City Council of the City of
Hayward, held the day of, 2001, by Council Member
ADOPTED at a regular meeting of the City Council of the City of Hayward
held the day of, 2001, by the following votes of members of said City
Council.
AYES:
NOES:
ABSTAIN:

APPR	ROVED: Mayor of the City of Hayward
	DATE:
A	TTEST: City Clerk of the City of Hayward
APPROVED AS TO FORM:	
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ABSENT: